

Urban Informality

Toward an Epistemology of Planning

Ananya Roy

Many of the significant urban transformations of the new century are taking place in the developing world. In particular, informality, once associated with poor squatter settlements, is now seen as a generalized mode of metropolitan urbanization. This article focuses on urban informality to highlight the challenges of dealing with the “unplannable”—exceptions to the order of formal urbanization. It argues that planners must learn to work with this state of exception. Such policy epistemologies are useful not only for “Third World” cities but also more generally for urban planning concerned with distributive justice.

Ananya Roy is an assistant professor in the Department of City and Regional Planning, University of California, Berkeley. She is author of *City Requiem, Calcutta: Gender and the Politics of Poverty* (University of Minnesota Press, 2003) and co-editor of *Urban Informality: Transnational Perspectives from the Middle East, South Asia, and Latin America* (Lexington Books, 2004). Her latest project is titled “The New Global Order of Poverty Management: Data, Debt, and Discipline.”

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The study of cities is today marked by a paradox: much of the urban growth of the 21st century is taking place in the developing world, but many of the theories of how cities function remain rooted in the developed world. There is much discussion in academic circles about whether the time has come to move from the Chicago school of urban sociology to the Los Angeles school of postmodern geography (Dear, 2002), and yet, as urban sociologist Douglas Massey (2001) recently commented, the urban future lies neither in Chicago nor Los Angeles; it instead lies in “Third World” cities like Rio de Janeiro, Mumbai, Hong Kong. Beyond this mundane fact of urban growth is also the pressing issue of what might be learned by paying attention to the urban transformations of the developing world. This is not simply an issue of the inappropriateness of Euro-American ideas for Third World cities. Planning practices are constantly borrowed and replicated across borders. To attempt to stem this tide is rather useless and indeed under some circumstances can mark a turn to isolationism. Instead, I am interested in what it means to locate the production of theory and policy in the cities of the developing world.

In an important article, Jennifer Robinson (2002) shows how the field of urban studies is constituted through a duality: global cities versus megacities. Global cities are conceptualized as First World command nodes of a global system of informational capitalism, “models” for the rest of the world (Robinson, 2002, pp. 547–548). In contrast, megacities, located primarily in the Third World, are conceptualized in terms of crisis—“big but not powerful” (Robinson, 2002, p. 540). There is an urgency for urban studies and planning to move beyond the dichotomy of First World “models” and Third World “problems.” One possible route is through policy approaches that seek to learn from Third World cities (Roy, 2003b; Sanyal, 1990).

In this article, I trace such a route by discussing one key theme of Third World research: urban informality and policy responses to informality, such as slum upgrading and land titling.¹ My goal is not so much to evaluate these policies as it is to highlight some of the distinctive challenges and paradoxes that they present for planners. Three are of particular importance: how planning modalities can produce the “unplannable”—informality as a state of exception from the formal order of urbanization; how this state of exception can in turn be strategically used by planners to mitigate some of the vulnerabilities of the urban

poor; and how dealing with informality requires recognizing the “right to the city”—claims and appropriations that do not fit neatly into the ownership model of property. I argue that such issues are of relevance not only in Third World contexts but also to American planners concerned with distributive justice.

Conceptual Framework

Informality is back on the agenda of international development and urban planning. Not only is there growing recognition that informal work and housing constitute significant proportions of urban economies, but there is also a flurry of high-profile policies being pursued by international agencies and Third World city governments to manage informality. Two contrasting frames dominate the current discussion of informality.

The first comes from the report of the Urban 21, an exclusive group appointed as a World Commission in the year 2000, and published by Sir Peter Hall and Ulrich Pfeiffer (2000) as a book entitled *Urban Future 21: A Global Agenda for 21st Century Cities*. Hall and Pfeiffer pay particular attention to one category of urbanization that they call “informal hypergrowth” cities. Expressing great concern for these exploding and swollen cities, they argue that this phenomenon is not simply restricted to the cities of the global south but that through migration, “some cities of the developed world are invaded by the developing world” (p. 129) rendering them ungovernable. In contrast with this language of crisis, Hernando De Soto (2000), in his superselling book *The Mystery of Capital*, presents an image of informality as “heroic entrepreneurship.” With the ear of many of the Third World’s political leaders, he continues a theme that he sounded in his first book, *The Other Path* (1989): that the “informal economy is the people’s spontaneous and creative response to the state’s incapacity to satisfy the basic needs of the impoverished masses” (p. 14).

At first glance, these two frames—one of crisis and the other of heroism—seem to be sharply at odds with one another. Yet a closer look reveals some striking similarities. For example, both view informality as fundamentally separate from formality. Hall and Pfeiffer (2000) argue that the urban poor of the year 2000 have “built their own city without any reference whatsoever to the whole bureaucratic apparatus of planning and control in the formal city next door” (p. 15). De Soto sees the informal sector as closed off from the formal sector through a “legal apartheid,” with the poor unable to trade their assets in the formal system of capitalist transactions.² Implicit in this notion is the promise that the informal sector will eventually be integrated

into a modern and manageable economy. Such is De Soto’s call for legalization, the assurance that once the assets of the informal sector are formally and legally recognized, capitalist prosperity will flow into every corner of the world.

Such frameworks yield many problematic corollary propositions. The first is the equation of informality with poverty. Neither frame recognizes how informality might be a differentiated process embodying varying degrees of power and exclusion. Second, both frames conceptualize informality, and poverty more generally, as caused by isolation from global capitalism. Hall and Pfeiffer (2000), for example, describe the informal sector as a totally localized collective subsistence economy, failing to note that some of the case studies they cite, such as Seabrook’s work in the Dharavi slum of Bombay, show that slum dwellers manufacture products for global markets. Third, within such frames it becomes possible to devolve responsibility for poverty to the poor themselves. Hall and Pfeiffer, and De Soto converge on the idea of enablement, helping the poor help themselves. This celebration of self-help obscures the role of the state and even renders it unnecessary. As Jessop (2002) argues, at a moment of neoliberalism, when states are pursuing austerity policies, such models of neocommunitarianism legitimate the agenda of privatization.

There are many arguments that can be marshalled against the frames of crisis and heroism. However, I hold that these critiques must be subsumed within a more substantial conceptual disagreement, one that rejects the notion of an informal sector and instead views informality as a *mode* of urbanization. Along with Nezar AlSayyad, I have used the term *urban informality* to indicate an organizing logic, a system of norms that governs the process of urban transformation itself (Roy & AlSayyad, 2004). Against the standard dichotomy of two sectors, formal and informal, we suggest that informality is not a separate sector but rather a series of transactions that connect different economies and spaces to one another.³ The term *mode*, derived from the Latin *modus*, which interestingly is also the root of other keywords like *modern* and *model*, means manner, form, or method. In metaphysics, it is a way of being. In logic, it is expressed as modality or the form of a proposition. Let me briefly outline how this notion of informality as a mode rather than a sector helps reveal some key contemporary trends of urbanization.

Informality as a Mode of Metropolitan Urbanization

It is well established that informal housing not only has use value but also exchange value (Ward, 1982). In

other words, informal housing is a distinctive type of market where affordability accrues through the absence of formal planning and regulation (Baross, 1990; Dowall, 1991). In recent years, it has become obvious that informal housing and land markets are not just the domain of the poor but that they are also important for the middle class, even the elite, of Second World and Third World cities (Roy & AlSayyad, 2004). Such trends point to a complex continuum of legality and illegality, where squatter settlements formed through land invasion and self-help housing can exist alongside upscale informal subdivisions formed through legal ownership and market transaction but in violation of land use regulations. Both forms of housing are informal but embody very different concretizations of legitimacy. The divide here is not between formality and informality but rather a differentiation *within* informality.

In many parts of the world, the site of new informality is the rural/urban interface. Indeed, it can be argued that metropolitan expansion is being driven by informal urbanization. In the context of Mexico, Aguilar and Ward (2003) make note of a “polycentric expansion” (p. 3)—the incorporation of small towns and rural peripheries in a dispersed metropolitan region. In Southeast Asia, McGee (1991) labels such metropolitan regions *desakota* (a combination of the Indonesian words for city and countryside), signalling a complex hybridity of rural and urban functions and forms. In the case of Egypt, Bayat and Denis (2000) suggest that a more appropriate term is *post-metropolitan urbanization* (p. 195), a diffusion of urbanity over a vast area. These dynamic rural/urban interfaces are constituted through differentiated forms of informality, including the flows of labor and types of housing that constitute what Breman (2003) calls life “at the bottom of the urban economy.” Such processes take at least three distinct forms: a “corona” or “halo” that extends beyond metropolitan boundaries through a hinterland of commuter flows (Aguilar & Ward, 2003; Roy, 2003a); rural-urban migration to agro-towns, urban villages and new industrial towns that are in the metropolitan zone, rather than to central cities (Bayat & Denis, 2000); and the relocation of central-city squatters to state-sponsored resettlement sites on the urban periphery (Roy, 2003a).

At the same time, the metropolitan fringes have become a key location for the informal housing practices of the elite. Here there are gated communities, the “hermetically sealed secessionary spaces” (Graham & Marvin, 2001, p. 222) that splinter the urban landscape, but many of them happen to be informal subdivisions also. Unlike squatter settlements, such forms of high-end informality usually enjoy premium infrastructure and guaranteed security of tenure. Indeed, in many cases they are promoted and

encouraged by the state, as in the case of Cairo where transnational investment in upscale housing has been subsidized through the provision of expressways and cheap sales of public land (T. Mitchell, 2003). Such metropolitan spatialities indicate, as Smith (2002) notes, that with globalization “the scale of the urban is recast . . . the old conceptual containers—our 1970s assumptions about what ‘the urban’ is or was—no longer hold water” (p. 431).

Metropolitan informal urbanization is made possible through the particular regulatory logics of agricultural land that exist at the rural/urban interface of many Third World cities: the privatization of the ejidos in Mexico (Jones & Ward, 1998); the “unmapped” land on the rural outskirts of Calcutta (Roy, 2003a); the inheritance laws of Egypt that have created thin, linear, and ultimately uncultivable agricultural plots (Soliman, 2004); the drop off in registered land rights toward the periphery in Jakarta (Leaf, 1993). This in turn means that informality must be understood not as the object of state regulation but rather as produced by the state itself.⁴ Here the concept of the state of exception is useful. Following Carl Schmitt, Italian philosopher Giorgio Agamben (1998) sees sovereignty as the power to determine the state of exception. For him, the paradox of sovereignty is

the fact the sovereign is, at the same time, outside and inside the juridical order. If the sovereign is truly the one to whom the juridical order grants the power of proclaiming a state of exception, and therefore, of suspending the order’s own validity, then the sovereign stands outside the juridical order and nevertheless belongs to it . . . This means that the paradox can also be formulated this way: “I, the sovereign, who am outside the law, declare that there is nothing outside the law.” (p. 15)

Informality can be seen to be the expression of such sovereignty. It is not, to once again use Agamben’s (1998) terminology, the “chaos that precedes order, but rather the situation that results from its suspension” (p. 18). The planning and legal apparatus of the state has the power to determine when to enact this suspension, to determine what is informal and what is not, and to determine which forms of informality will thrive and which will disappear. State power is reproduced through the capacity to construct and reconstruct categories of legitimacy and illegitimacy—such as in the American welfare efforts to sort out the “deserving” from the “undeserving” poor.

Such conceptualizations shatter the magical fantasy of Hernando De Soto in which the state is simultaneously the creator of “legal apartheid,” shutting out the informals, and

also the benevolent promoter of legalization. Instead, it becomes apparent that the legalization of informal property systems is not simply a bureaucratic or technical problem but rather a complex political struggle.

Policy Epistemologies⁵

The relationship between informality and planners is complicated. On the one hand, informal spaces have been perceived as unplanable;⁶ on the other hand, there has been a series of attempts to improve and integrate such spaces. These mandates of improvement and integration bear resemblance to efforts in the American context to manage spaces of poverty. Table 1 is a schematic representation of the congruences between Third World informality policy and First World poverty policy. It shows how there are important themes that cut across the usually separated domains of "international development" and "community development." In doing so, it makes the argument that the study of informality and informality policy can be of considerable relevance to American planners.

Policy Epistemology 1: The Politics of Shit

In the 1990s, the harsh rhetoric of austerity and privatization gave way to a new generation of poverty alleviation programs that recycled the populist ideas of an earlier era: self-help housing, microenterprises, community initiatives. There is, however, a distinctive signature to today's policies: they emphasize the moral capacity of the poor. De Soto's trope of the Third World poor as "heroic entrepreneurs" can be seen as the mirror image of American discourses about the "dependent" poor. The latter diagnoses poverty as the absence of a work ethic; the former poses the solution of entrepreneurship facilitated through participation in the market.

The key element of today's paradigm of "Sustainable Human Development" is the idea of enablement, helping the poor help themselves. To this end, there has been considerable emphasis on urban upgrading strategies. Upgrading is a welcome change from previous policies that sought to eradicate informal settlements or relocate them to urban peripheries. Like the favela-bairro program of Brazil, they are predicated on the notion that providing services on site is much cheaper than relocating residents of informal settlements to new housing on the periphery. Initiated in the mid 1990s with financing from the InterAmerican Development Bank, the favela-bairro program seeks to transform squatter settlements (favelas) into officially-recognized neighborhoods (bairros) through physical upgrading. However, it is also important to note the limitations of urban upgrading.

In a recent study of the Rio de Janeiro favelas tracking residents of the informal settlements that she studied in the early 1970s, Janice Perlman (2004) shows that while there have been considerable physical improvements, other dimensions of life in the favela have drastically worsened. The favelas have been taken over by international drug bosses who have created a de facto state of domination by violence. Favela residents are also the target of the militarized violence of the state. Indeed, as Zaverucha (2000) notes, Rio de Janeiro's riot police, the Special Group for Urban Control, trained by the army and using military weaponry, has repeatedly been deployed against squatters and street vendors. What does democracy mean in the face of this militaristic control of cities? What does democratic citizenship mean in the face of systemic unemployment when, as Perlman notes, the bowl of fruit on the table that was once always full is now always empty? What do physical improvements mean when the majority of favela residents feel marginalized, a world apart from the *asfalto* or formal city? Perlman's work resonates with that of Auyero (1999) who makes note of the structural exclusion that marks informal settlements in Buenos Aires. He argues that the provision of services and upgrading, while perhaps well meaning, is a bit like rearranging the chairs on the deck of the Titanic.⁷

The limitations of urban upgrading are the limitations of the ideology of space. In such policy approaches, what is redeveloped is space, the built environment and physical amenities rather than people's capacities or livelihoods. I have argued elsewhere that such an emphasis on the physical environment is an "aestheticization of poverty" (Roy, 2004), one that equates upgrading with aesthetic upgrading rather than the upgrading of livelihoods, wages, political capacities.⁸ It is an expression of what Scott (1998) calls high modernism: the search for rational order in aesthetic terms, the belief that an efficient city is one that *looks* regimented and orderly in a geometrical sense. Quoting Jane Jacobs, he warns urban planners not to infer functional order from purely visual order (Scott, 1998, p. 183). The ideology of space is not unique to Third World policies. As Modarres (2003) points out, the American war on poverty can be understood as a project that equated poverty with the failure of geographically defined communities. Not only were these spaces seen as places of disorder, but also a series of area-based policies were introduced in the attempt to "improve" and "integrate" these spaces into the city (Modarres, 2003).

The issue at stake here is not simply the limits of upgrading strategies but rather the question of who sets the upgrading agenda. A provocative example is provided by the Alliance, a group of nongovernmental organizations

| | Third World informality policy | American poverty policy |
|---------------------|--|---|
| Key terms | Slum | Ghetto/slum/inner-city |
| | <p>Congruences:</p> <ul style="list-style-type: none"> • Focus on spatial concentration of poverty using human ecology or enclave models. The ghetto or slum becomes the culprit rather than the structural forces of racism and poverty that lead to segregation (for more, see Wacquant, 1997). • Argument about culture of poverty, whether in the negative sense of an American “tangle of pathologies” or in the upbeat sense of Third World “heroic entrepreneurship.” • Emphasis on “integrating” the poor by improving their environment, such as HOPE VI-style projects in the U.S. or slum upgrading in the Third World. | |
| Key policies | Urban renewal/development | Urban renewal/redevelopment |
| | <p>Congruences:</p> <ul style="list-style-type: none"> • These policies were popular in the 1950s. They become popular once again in the 1980s, in the context of entrepreneurial city policies. • Modernization of city fabric through large-scale “Hausmannization” projects. • Gentrification of “blighted” neighborhoods causing displacement. There are, however, different policy approaches to dealing with this displacement. In America, the public housing/urban renewal nexus proved quite disastrous for overall housing supply and quality for the urban poor. However, in settings such as Singapore and Hong Kong, urban renewal was immediately followed by public housing with almost a complete transfer of the displaced to subsidized housing (for the state of exception in the Hong Kong case, see Smart, 2003). | |
| | Community-based programs | Community development and neighborhood revitalization |
| | <p>Congruences:</p> <ul style="list-style-type: none"> • These policies were popular in the late 1960s and early 1970s. They became popular once again in the 1990s, in the context of poverty alleviation policies that seek to put a “kinder and gentler” face on the dismantling of the welfare state. • Place-based policies that focus on entire “communities” and their capacity; equity often understood at this scale of the community or neighborhood. • Important role of civil society organizations in brokering fragile coalitions of interests (see Castells, 1983). But also now in Third World cities there is an emphasis on transnational and multiscaled coalitions (see Appadurai, 2001; Evans, 2002). • Seen as grassroots activities but in fact top-down policy efforts led by experts and professionals to enact grassroots change. | |

Table 1. Comparison of informality and poverty policies.

(NGOs) in Bombay that have organized around land tenure, housing rights, and urban services for slum dwellers. The Alliance encourages the poor to design and conduct their own census. It also holds housing festivals and toilet festivals where the poor design their own model homes and model public toilets and where these designs are then passed on to professionals. While it is important not to romanticize such self-help efforts, this is nevertheless an intriguing model. Designating this as a form of “deep

democracy,” Arjun Appadurai (2001) calls it the “politics of shit”:

When a World Bank official has to examine the virtues of a public toilet and discuss the merits of faeces management with the defecators themselves, the poor are no longer abject victims, they become speaking subjects, they become political actors. (p. 37)

The shift from aesthetic considerations to the politics of shit, I would argue, is a useful policy epistemology. It recognizes the importance of infrastructure but indicates that the provision and distribution of infrastructure is not a technical issue but rather a political process. The politics of shit also disrupts models of expertise, making it possible to generate knowledge about upgrading and infrastructure from a different set of experts: the residents of informal settlements.

Policy Epistemology 2: Underwriting the Right to Participate in the Market

In the 1990s there was policy interest in the formalization of land rights. World Bank researchers argue that numerous benefits accrue from enforceable property rights—from the sustainable use of natural resources to household food security to political stability. But the argument that tops the list is one quite similar to that posed by De Soto: that such rights make possible the transferability of property and thereby the participation of the poor in credit and financial markets (Deininger & Binswanger, 1999). This is a powerful and seductive policy argument, one that appeals to those interested in market efficiency as well as to those interested in the distribution of resources. It is based on two auras: the community and the market.

The aura of the community suggests that local institutions are harmonious and nonhierarchical entities where there can be consensus regarding resources. But on the ground, such assumptions usually do not hold. The process of formalization is never as straightforward as simply converting informal documentation into formal titles. Usually there are numerous types of informal documentation, of varying legitimacy, and there are often multiple claims to a single plot of land. In my work on Calcutta (2003a), I have documented in detail how the moment of formalization can be one of great internal conflict for squatter settlements, a bloody and brutal sorting out of “legitimate” claims. Formalization can also trigger conflicts within households. Most land titling programs vest property rights in the head of household, who is assumed to be male. Land policy can therefore consolidate and formalize gendered divisions and hierarchies, deepening the insecurity of female members of households. I am not suggesting that informal property systems embody values of equity and harmony and thus must be kept intact. Rather I am arguing that formal property systems can also be rife with patriarchal and class power.

But perhaps the most enduring aura is that of the market. Like De Soto, World Bank researchers present the inequalities of property ownership as created by “nonmarket” forces (Deininger & Binswanger, 1999). They argue that property markets reduce poverty and in fact empower

the poor.⁹ This, of course, overlooks the fact that informality is already a domain of intense market transactions. The issue then is how formalization occurs not in a vacuum, but rather amidst a complex system of existing “property interests” (Razzaz, 1997).

At first glance, De Soto’s call for formalization seems to be a call for property rights, possibly even for the redistribution of property. However, a closer look shows that the approach is not so much about property rights as it is about the right to participate in property markets. This became apparent in a debate that played out recently in this journal. In a review of De Soto’s *The Mystery of Capital*, Keyes (2003) argued that his scheme was unfeasible because “accumulation-hungry capitalists, by the logic of capital, do not wish to dilute their wealth, and the distribution of capital to the world’s poor would do just that” (p. 104). In a response, Schaefer (2003), director of the Washington, DC, branch of De Soto’s Institute of Liberty and Democracy, pointed out that Keyes had confused De Soto’s efforts with traditional land reform programs:

De Soto’s proposal is not wealth transfer but wealth legalization. The poor of the world already hold trillions in assets now. De Soto is not distributing capital to anyone. By making them liquid, everyone’s capital pool grows dramatically. (p. 316)

I will not take on the rather ludicrous point that the poor already hold trillions in assets and that the end of poverty is just a matter of legally recognizing these assets. But I will underscore Schaefer’s blunt statement about the difference between wealth transfer and wealth legalization. De Soto’s ideas are seductive precisely because they only guarantee the latter but in doing so promise the former.

This approach can be critiqued in at least two different ways. A number of studies have highlighted the limits of legalization. Gilbert (2002), for example, argues that De Soto perpetuates a myth of popular capitalism in which policymakers can believe that “all they have to do is to offer title deeds, and that they can leave the market to do everything else” (p. 16). Using the case of informal settlements in Bogota, he shows how little formal finance is forthcoming after legalization and thereby casts doubt on the notion that ending informality can end poverty. Similarly, in the case of Peru, De Soto’s home territory, the research indicates that the poor, despite land titles, face limited employment opportunities and thus continue to be a credit risk (Kagawa & Tukstra, 2002).

But these critiques of the limits of property markets bypass a more fundamental question: Is the right to participate in property markets the same thing as participation in prop-

erty markets? Can wealth legalization have any significant impact if there is no talk of wealth transfer? If we situate these questions not in the abstract space of the free market but rather in the real space of unequal cities, it becomes clear that the issue of property is rather sticky. Krueckeberg (1995) rightly notes that property is not just an object but rather a set of relationships between the owner of some thing and everyone else's claims to that same thing. In other words, property is a "set of rules and sanctions that determine an individual's power to dispose of an object in the act of exchange. The rules also establish his or her power to exclude or limit the claims that others may make upon that object" (T. Mitchell, 2003, p. 11). In this sense, property systems are monopolistic. Indeed, following Braudel (1982), it can be argued that capitalism itself is a system of monopolies rather than a free-flowing circulation of capital,¹⁰ a point that De Soto misses despite his declared affinity to Braudel.¹¹ It is not enough then, in this context, to simply assert the right to participate in property markets. Given the monopolistic nature of property, it is imperative for policymakers to underwrite the right to participate in the market by directly addressing inequality.

Policy Epistemology 3: Strategically Using the State of Exception

One of the great challenges of formalization is that it can displace the most vulnerable residents of an informal settlement. Higher income groups can "raid" regularized settlements, displacing original residents (Burgess, 1982). Or formalization can make land markets less affordable (Payne, 2002). Indeed, if informality is a differentiated structure, then formalization can be a moment when inequality is deepened. Take for example the case of the Community Mortgage Program (CMP), an innovative policy launched in Manila in 1989, which offers squatters the opportunity to buy the land they occupy. The CMP operates through collective lending in which entire communities apply for credit, with the process managed by resident associations and supervised by NGOs. However, as discussed by Berner (2000), there are some important constraints. For example, the CMP seems to have worked primarily on public land where residents have paid only 15–20% of market price. But perhaps most significant is Berner's finding that the poorest one third of squatters, unable to make regular mortgage payments, are displaced by the program. The CMP then serves primarily the upper and middle ranks of squatter communities.

Such findings raise the question: How can policymakers proceed with the task of formalization while keeping an eye on affordability and preventing gentrification and displacement? Some of this displacement might, of course,

involve squatters capitalizing on rising property values (Eckstein, 1990). This entrepreneurship is inevitable, and in my opinion, welcome. If the argument made by the World Bank, De Soto, and others is that land titles allow the buying and selling of property, then surely such forms of mobility indicate the success of these policies? But in many cases the mobility indicates displacement of the poorest residents. Such questions can be contemplated in relation to the state of exception. I have earlier argued that informality is the state of exception determined by the sovereign power of the planning apparatus. I am now arguing that it is possible to strategically use the state of exception to frame policy. There are two forms of exception that are worth noting: regulatory exceptions and regularity exceptions.

The need for regulatory exceptions is carefully articulated by Peter Ward (1999) in the case of the colonias of Texas. The colonias are informal subdivisions, carved out by developers in extraterritorial jurisdictions. Lots are then sold to those unable to afford housing in formal neighborhoods, often through the Contract for Deed, a poor man's mortgage that allows access to credit but provides few protections. The colonias usually lack services, and most of the homes are built by the residents. Ward points out the cruel irony of how water and wastewater services were extended to some of the colonias through an EPA demonstration grant, but that this infrastructure went up to the colonias and not into the homes. Since the housing was not code compliant, the county would not authorize individual hookups to the EPA infrastructure.¹² However, if it had been code compliant it would not have been affordable. Looking across the border at the colonias of Mexico, where services often arrive well before formalization and well before housing meets regulatory standards, Ward suggests a state of exception. His policy recommendation is to have a 5-year moratorium on codes while infrastructure is extended to the colonias and at the same time to provide financing mechanisms for these settlements to upgrade to code. Each component of this policy recommendation is important—that this is a limited moratorium and that institutional resources are provided to allow upgrading. This ensures that the state of exception recognizes incrementalism but does not become a generalized condition where those unable to afford formal housing are condemned to a second-tier set of standards and codes.

Incrementalism also makes possible exceptions of regularity. One important reason for displacement is that formalization regularizes the irregularity of payments and transactions. Without formal jobs, such regular mortgage or interest payments are difficult to sustain. Over the years, many studies have shown that when squatters are relocated to subsidized public housing, they sell off their rights to this

housing in order to profit on the transaction and to avoid a system where the failure to make regular payments results in evictions (Eckstein, 1990, p. 173; Hollnsteiner, 1977, p. 311). As Hardoy and Satterwaite (1986, p. 247) note, this is not just an issue of affordability but rather of the temporal rhythm of payments. It is a mismatch between the systemic irregularity of employment and the institutionalized regularity of payment. Thus, in a telling anecdote, Varley (2002, p. 455) shows how in Mexico City the urban poor refer to repaying a formal loan or making monthly rent or mortgage payments as *endrogar*—a term that not only means to borrow but also refers to drug addiction.

There are different ways of mitigating the unrelenting regularity of monthly rents, mortgages, and service payments. One way is to reduce the penalties of eviction (Eckstein, 1990). Yet another is to institute community-based land trusts in which the burden of coping falls not simply on an individual but on groups and communities. A third option is to provide microloans for housing, and such microfinance policies at times adopt models of community lending. However, microloans are usually given for investment in housing improvement and infrastructure (Ferguson & Navarrete, 2003), and usually not for making mortgage or service payments. Furthermore, it can be asked whether such programs encourage the poor to take out loans to service old debts, thereby perpetuating cycles of indebtedness. A fourth route is to pay more serious attention to security of tenure policies. Unlike land titling programs, security of tenure is not an absolute condition but rather a continuum of rights and claims that can include the right to remain, the claim to services and credit, and the application of market values to property (McAuslan, 2002; Sims, 2002). These mid-level rights and claims can be quite powerful. Indeed, as Varley (2002) points out, housing improvement often occurs not with legalization and formalization but rather with high de facto security of tenure. It is possible for policy to recognize, in incremental fashion, various stages of secure tenure without implementing the formal and absolute condition of land titling with regular payments. Such forms of incrementalism are predicated on the recognition that for the poorest segments of informal settlements, secure rights can be more insecure than informal claims.

As a cautionary note it is important to add that at times such regularity exceptions have to be applied not only to land titling but also to service provision. Brazil's favela-bairro program comes to mind. Here, in addition to the provision of services, residents are provided security of tenure through the concession of use rights (Pamuk & Cavallieri, 1998, p. 456), a system that seeks to keep land ownership in the public domain and prevent marketization

and displacement. However, it seems that formalization creates pressure on the poorest favela residents, who are often unable to make regular payments for the new services, leading to their displacement (Guimaraes, 2002).

Policy Epistemology 4: Scale Jumping

At a moment of intense globalization, quite a bit of policymaking is articulated at the local level. Globalization is viewed as disempowering, while local communities are seen to be a force for change. Such frameworks embody a false dichotomy in which global and local are presented as mutually exclusive categories. It is more useful to contemplate action and agency as multiscaled, nimble enough to jump scales and work in multiple theaters of action (Harvey, 2000). Working at multiple scales also means working with multiple forms of sovereignty. In their much-discussed book *Empire*, Hardt and Negri (2000) argue that this moment of globalization is governed by a mix of sovereignties: monarchic sovereignty exercised by the World Trade Organization, International Monetary Fund, and World Bank; aristocratic sovereignty wielded by multinational corporations; and democratic sovereignty deployed by NGOs. Such a framework is quite useful for thinking about informality and more generally about urban policy. Informality is often seen as a local issue, to be resolved at the local level. But if localities cannot be understood as bounded units, and if sovereignty is exercised not only by the state but by this hybrid apparatus, how should we proceed? One common answer to this question is that attention must be paid to transnational actors, particularly NGOs. Evans (2002), for example, argues that "NGOs . . . are the most promising source of the translocal organizational and ideological resources necessary for scaling up" (p. 18). However, this optimism must be tempered. Many NGOs are strapped for resources, their agendas driven by foundations and donors. NGOs are also semipublic organizations with limited accountability and transparency.

I would like to suggest that the issue of scale jumping is less about particular institutional actors like NGOs and more about a strategic engagement with multiple sovereignties. As an example, let me return to the alliance of NGOs in Bombay. The central NGO in that configuration is SPARC, an aggressive activist group that claims credit for the successful resettlement of squatters and slum dwellers. However, recent research indicates that such resettlement was partly dictated by the World Bank as a condition of its loan for Mumbai's urban transportation projects (Jamdar, 2003). What seemed to be local activism turns out to be a World Bank policy implemented through the conditionality of international aid. Such findings do not undermine the crucially important work of NGOs like

SPARC. However, they do point to the political resources and tools available at global scales. The World Bank is an institution with serious deficiencies of accountability and governance. Yet it is perhaps the only global organization with a framework of regulations for resettlement and compensation. Activists are therefore leveraging World Bank policies to challenge national and regional governments.

Such strategies have recently become apparent in the struggles over the Narmada Dam. This megadam project in Central India was initially financed by the World Bank. But confronted by bitter protests and faced with a dire report by the independent Morse Commission, the World Bank withdrew from the project in 1993. Indeed, this experience led the World Bank to implement a series of accountability measures including the formation of Inspection Panels.¹³ At the same time, the Indian government proceeded with the dam despite its massive human and environmental costs. Recently, Narmada dam activists have been pressing the World Bank, rather than simply the Indian government, for accountability. In an open letter to the World Bank (Clark, 2003), the International Accountability Project, based in Berkeley, calls on the Bank to withhold all other loans from India unless World Bank resettlement standards are met for the Narmada project.¹⁴ These standards are considerably higher than India's eminent domain regulations, which are a holdover from colonial times. This is a rather unusual turn of events. The protest coalitions that once saw conditionality as the imperial power of supranational institutions now see it as a strategic tool that can be used to manage the sovereignty of the nation-state. Such negotiations indicate that the global can be an arena of transformation, with the possibility of pursuing issues that are stymied and silenced at the local level.

Do such strategic uses of supranational sovereignty legitimate institutions like the World Bank? Yes. Perhaps this is a high price, but it is one that various activist groups seem willing to pay. Many years ago, Manuel Castells (1983) wrote that processes of informality like squatting indicated dependency rather than revolution: that this was a space "produced by its dwellers . . . as if they are the temporary builders of their master's hacienda" (p. 212). His words are reminiscent of a much-quoted line from the feminist poet Audre Lorde: the master's tools will never dismantle the master's house. This is perhaps the dilemma of many of the policy epistemologies that I have outlined in this article. They each require working *through* rather than *against* institutions of power—be it the market, or the state of exception, or supranational organizations that supersede national sovereignties. Is it possible to be subversive when there is such complicity with the system? This is a question

that planning has long struggled with and that cannot be fully resolved. The master's tools cannot dismantle the master's house, but perhaps when strategically used, they can allow those on the outside to occupy the master's house.

Conclusion

Some years ago, Donald Krueckeberg (1995) published a provocative article in this journal, arguing that while land use is a central concept in planning, the issue of property deserves equal attention. He pointed out that by focusing on the utilitarian question of where things belong, planners forget to ask to whom things belong. Informality at first glance seems to be a land use problem and it is thus often managed through attempts to restore "order" to the urban landscape or to bring it into the fold of formal markets. However, borrowing Krueckeberg's important insight, it can be argued that the more fundamental issue at stake in informality is that of wealth distribution and unequal property ownership, of what sorts of markets are at work in our cities and how they shape or limit affordability. In this sense, the study of informality provides an important lesson for planners in the tricky dilemmas of social justice.

Informality also indicates that the question of to whom things belong can have multiple and contested answers. In his recent work, Blomley (2004) notes that while the ownership model of property premised on the "right to exclude" dominates, it is constantly challenged by those who claim the "right not to be excluded" (pp. xiv, xix). These are appropriations and claims that the French urbanist Henri Lefebvre (1974) termed "the right to the city" and contrasted with "the right to property." It is the right to the city that is at stake in urban informality. It is also at stake, as Don Mitchell (2003) notes, in the struggles over public space in American cities. Against this backdrop, planners cannot simply be concerned with the land use ordering and exchange value of the right to property. They also have to pay attention to the use value claims that constitute the right to the city.

Engagement with informality is in many ways quite difficult for planners. Informal spaces seem to be the exception to planning, lying outside its realm of control. In this sense, informality resembles what Timothy Mitchell (2003, p. 210) calls the object of development, a seemingly natural phenomenon that is external to those studying it and managing it. However, as I have argued in this article, informality, and the state of exception that it embodies, is produced by the state. This is apparent in all its various forms, from the gated, high-end informal subdivisions to squatter settlements. Planning is implicated in this enter-

prise. To deal with informality therefore partly means confronting how the apparatus of planning produces the unplanned and unplannable.

Finally, international planning today is constituted through models and best practices. These blueprint utopias are seen to be the key to the universal replicability of “good” planning. In this article, I have advanced critique as an important policy epistemology, arguing that there is also quite a bit to be learned from what goes wrong. Confronting the failures and limitations of models provides a more realistic sense of politics and conflicts, and also forces planning to face up to the consequences of its own good action. Such outcomes must be seen as something more than simply “unintended consequences.” This vocabulary of planning not only has the flavor of a casual shrug but also implies the inability to think about the complex social systems through which plans must be implemented.

These three pressing issues—moving from land use to distributive justice, rethinking the object of development, and replacing best practice models with realist critique—are not just policy epistemologies for dealing with informality. Rather, they indicate that informality is an important epistemology for planning.

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Notes

1. My discussion draws upon a recently concluded Ford Foundation funded project on Urban Informality that I led along with my colleague, Nezar AlSayyad. Intended to “cross borders,” the project brought together scholars and practitioners working in Latin America, the Middle East, and South Asia. It revealed new processes of informality and fostered cross-regional conversations and comparisons. These findings are presented in a forthcoming co-edited volume, *Urban Informality: Transnational Perspectives from the Middle East, South Asia, and Latin America* (Roy & AlSayyad, 2004). This article supplements the book by placing the project’s findings within the larger context of urban research and discussing some key policy debates.
2. Both frames conflate sectoral divisions with geopolitical dualities, inscribing Third World cities as predominantly informal and First World cities as formal, mirroring the duality of global cities and megacities that Robinson so vigorously critiques.
3. The dualism of formal vs. informal has a long genealogy—from the development concepts of W. Arthur Lewis (1954) to the Kenya informal sector debates (Hart, 1973). However, there is also well-established theoretical and empirical work that defies these dualisms, focusing instead on modes of articulation and the interpenetration of formal and informal sectors (Bromley & Gerry, 1979; Fernandes & Varley 1998; Moser, 1978; Portes et al., 1989). For overviews, see Rakowski (1994) and AlSayyad (2004).

My invocation of the term *mode* is slightly different from how it has been used in relation to housing production. Ward and Macoloo

(1992), for example, carefully distinguish between different modes of housing production such as the industrialized mode or the mode of petty commodity production. They indicate how these different modes are linked to one another through economic, political, and ideological processes. I am arguing that informality is not a distinct and discrete mode but is rather the very circuits of articulation that link different types of housing production to one another.

4. The application of the “state of exception” to informality is similar to the ways in which Portes, Castells, and Benton (1989) conceptualized the informal sector as unregulated activities in a political economy in which similar activities are regulated.
5. I use a very specific term—*epistemology*—to indicate that policy approaches are not only techniques of implementation but also ways of knowing. Such forms of knowledge are a crucial ingredient of the “diagnosis and solution” calculus of policymaking.
6. I borrow the idea of informal spaces as “unplannable” from personal correspondence and discussions with Oren Yiftachel.
7. A similar analogy was used by Burgess (1982) in his critique of self-help policies.
8. These aesthetic approaches to upgrading also confuse informality with poverty, suggesting that (a) physical upgrading can end informality, and (b) ending informality can end poverty. At the 2003 ACSP-AESOP conference, Joe Nasr therefore commented that the aestheticization of poverty is the pauperization of informality.
9. A similar argument is made in the World Bank’s 1993 report *Housing: Enabling Markets to Work*. For a critique of how the World Bank has “harnessed enablement to the market bandwagon” see Payne (2002, p. 9).
10. For an interesting discussion of Braudel’s idea of monopolies as they relate to contemporary urbanization, see Taylor (2000).
11. De Soto’s key metaphor of the bell jar is derived from Braudel, but as Bromley (2004) notes, he is much closer to von Hayek than to Braudel.
12. Ward (1999, p. 110) discusses in detail the case of the Cameron Park colonia where an EPA demonstration grant for water and wastewater facilities was being implemented by the Texas Water Revenue Board. Because of building code violations, the county refused to grant permission for individual hookups, and so only 5 of the nearly 1,200 households could hook up to the services. Ward notes that major investments in water and wastewater infrastructure failed to translate into homes with these services.
13. On the ground, this “greening” of the World Bank might not affect business as usual. For a critique of public participation and environmental impact assessment practices, see Goldman (2001).
14. For more on this matter, see Clark et al. (2003).

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